



# CITY OF LODI

## COUNCIL COMMUNICATION

AGENDA TITLE: Request from Bone Cuisine A La Carte to Operate a Hot Dog Cart on the Sidewalk Fronting the County Court at 315 West Elm Street

MEETING DATE: April 21, 1999

PREPARED BY: Public Works Director

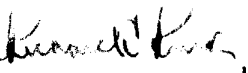
RECOMMENDED ACTION: That the City Council approve the request of Mr. Louis Fugazi to operate a hot dog cart on the sidewalk in front of the County court at 315 West Elm Street.

BACKGROUND INFORMATION: Lodi Municipal Code §10.44.080 (copy attached) prohibits the parking of lunch wagons, eating carts, etc., on any portion of the public right-of-way without a written permit from the City Council. The permit designates the location and conditions under which such cart shall be allowed to stand. Mr. Fugazi, owner of Bone Cuisine A La Carte, currently is approved along the Post Office frontage and has operated there, on a seasonal basis, for approximately five years. (The encroachment permit was originally approved by the City Council in October 1993 and has been renewed annually, including standard additional insured insurance certificates.) He has shared the location with a shaved-ice vendor on occasion with no significant problems. The area has been dutifully maintained and permit conditions met.

The location fronting the County court has been favorably approved by the seated judges (see attached letter). Their concerns of maintaining the location and interference with court access will be conditions of the permit. These conditions have not been a problem with the Post Office frontage. Participation in major events scheduled throughout the year is excluded from this request and requires approval of the individual sponsors of the event.

Staff is concerned that Mr. Fugazi operates only one cart but is tying up numerous locations that could eventually be in demand by other vendors. If we receive requests from other vendors for locations approved for Mr. Fugazi which he's not using, Council will have to make a determination to deny the request or revoke/modify Mr. Fugazi's permit.

FUNDING: None required.

  
Richard C. Prima, Jr.  
Public Works Director

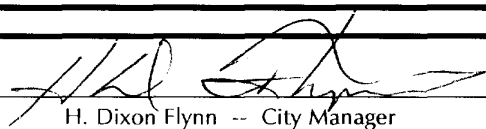
Prepared by Jeannie Matsumoto, Sr. Engineering Technician

RCP/JM/lm

Attachments

cc: City Attorney  
Municipal Court Judges  
Community Development Director  
Police Chief  
Downtown Lodi Business Partnership  
Louis Fugazi

APPROVED: \_\_\_\_\_

  
H. Dixon Flynn -- City Manager

other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Ord. 1402 § 1 (part), 1987)

**10.44.070 Parking not to obstruct sight distance.**

No person shall park or leave standing a vehicle which is six feet or more in height, including any load thereon within one hundred feet of any intersection so designated in the traffic resolution. (Vehicle Code § 22507) (Ord. 1402 § 1 (part), 1987)

**10.44.080 Unlawful parking—  
Peddlers, vendors.**

A. Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or food stuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating car or vehicle, on any portion of any street or public right-of-way within the city except that such vehicles, wagons or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place. The provisions of this subsection shall not apply to persons delivering such chapters upon order of or by agreement with a customer from a store or other fixed place of business or distribution.

B. No person shall park or stand on any street or public right-of-way any lunch wagon, eating cart, vehicle or pushcart from which any chapters of food are sold or offered for sale without first obtaining a written permit to do so from

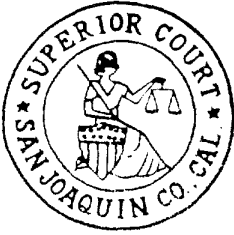
the council which shall designate the specific location in which such cart shall stand.

C. No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a written permit to do so from the council which shall designate the specific location where the vehicle may stand.

D. Whenever any permit is granted under the provisions of this section and a particular location to park or stand is specified therein, no person shall park or stand any vehicle, wagon or pushcart on any location other than as designated in such permit. In the event that the holder of any such permit is convicted in any court of competent jurisdiction for violating the provisions of this section, such permit shall be forthwith revoked by the council upon the filing of the record of such conviction with the council and no permit shall thereafter be issued to such person until six months have elapsed from the date of such revocation. (Vehicle Code § 22455) (Ord. 1402 § 1 (part), 1987)

**10.44.090 Temporary parking.**

A. Restrictions. Whenever the public works director or the police chief determine that a traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions, or for other reasons, they shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets as



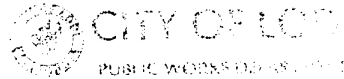
Superior Court of California  
County of San Joaquin

Robert F. Baysinger  
Judge

Courthouse  
230 W. Elm Street  
Lodi, CA 95241  
(209) 333-6750

RECEIVED

MAR 30 1999



March 29, 1999

Mr. Richard C. Prima, Jr.  
City of Lodi  
Director of Public Works  
P.O. Box 3006  
Lodi, CA 95241-1910

**RE: Fugazi Vendor Application**

Dear Mr. Prima:

After review of the vendor encroachment application by Louis Fugazi, for the public area in front of 315 West Elm Street, with Judge Warner and court personnel, we conclude there is no objection to issuance. Our only concerns would be with public ingress and egress to the court facility as well as litter control. I have personally observed Mr. Fugazi's operation at the Post Office on School Street and would not anticipate any problems.

Thank you for the courtesy of notification of the application and the opportunity to respond.

Respectfully yours,

Robert F. Baysinger  
Judge

CITY COUNCIL

KEITH LAND, Mayor  
STEPHEN J. MANN  
Mayor Pro Tempore  
SUSAN HITCHCOCK  
ALAN S. NAKANISHI  
PHILLIP A. PENNINO

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 333-6706  
FAX (209) 333-6710

April 15, 1999

H. DIXON FLYNN  
City Manager  
ALICE M. REIMCHE  
City Clerk  
RANDALL A. HAYS  
City Attorney

Mr. Louis Fugazi  
Bone Cuisine A La Carte  
P. O. Box 290  
Lodi, CA 95241

Mr. Alan Goldberg, Vice President  
Downtown Lodi Business Partnership  
P. O. Box 1565  
Lodi, CA 95240

SUBJECT: Request from Bone Cuisine A La Carte to Operate a Hot Dog Cart on the  
Sidewalk Fronting the County Court at 315 West Elm Street

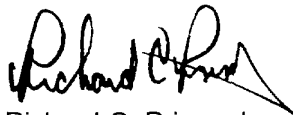
Enclosed is a copy of background information on an item on the City Council  
agenda of Wednesday, April 21, 1999. The meeting will be held at 7 p.m. in the  
City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a  
Council Member requests discussion. The public is given an opportunity to address  
items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council,  
City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the  
mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council Meeting, be sure to fill out a speaker's  
card (available at the Carnegie Forum immediately prior to the start of the meeting) and  
give it to the City Clerk. If you have any questions about communicating with the  
Council, please contact Alice Reimche, City Clerk, at 333-6702.

If you have any questions about the item itself, please call Jeannie Matsumoto at  
333-6800, 661.



Richard C. Prima, Jr.  
Public Works Director

RCP/lm

Enclosure

cc: City Clerk ✓